

REMARKS/ARGUMENTS

Applicants acknowledge with appreciation the time taken by the Examiner to discuss the outstanding rejections in the telephone interview on September 28, 2010. During the interview, the rejection of claims 5 and 15 for allegedly lacking enablement and the rejection of the remaining claims for allegedly being obvious over the prior art. As discussed during the interview, Applicants have amended the claims to be directed to immunogenic compositions comprising at least one of the seven deposited reassortant rotaviruses of the invention.

Support for the deposited rotaviruses is found in the table on page 38 of the specification. In particular, claim 35 finds support in original claim 5 and in the table on page 38. Claims 36 and 42 find support on page 14, lines 7-9. Claims 37-39 find support in original claims 17-19, respectively. Claims 40 and 45 find support at page 6, lines 26-27. Claim 41 finds support in original claim 15. Claims 43-44 find support in original claims 30 and 31, respectively.

As explained during the telephone interview, claims 5 and 15 were rejected only for lacking enablement because a declaration establishing that the deposited rotavirus were deposited under the terms of the Budapest Treaty had not been submitted. Attached to this response is a declaration establishing that each of the deposited rotaviruses now claimed has been deposited under the terms of the Budapest Treaty. Thus, the pending claims meet the requirements of 35 U.S.C. § 112, first paragraph.

The claims are also novel and nonobvious over the prior art. As explained during the telephone interview, the claimed rotaviruses were deposited shortly before the effective filing date of the present application. Thus, any earlier disclosure of the names of the deposited rotaviruses would not have enabled a person of skill to replicate these particular isolates. It is well settled that mere publication of the name or picture of a claimed biological organism is not sufficient to enable one of skill to reproduce the organism (*see* MPEP §2121.03).

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested. If a telephone conference would expedite prosecution of this application, the Examiner is invited to telephone the undersigned at 415-576-0200.

Respectfully submitted,

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